

MINUTES  
TOWN OF TOPSHAM  
PLANNING BOARD MEETING  
OCTOBER 18, 2011, 7:00 P.M.

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MEMBERS PRESENT: Donald Spann  
Ronald Bisson  
Michael Colleran  
Stephen Mathieu  
Jay Prindall

MEMBERS ABSENT: Scott Libby and Bruce Van Note

STAFF PRESENT: Planning Director, Richard Roedner

A meeting of the Topsham, Maine Planning Board was held on Tuesday, October 18, 2011 at the Municipal Building at 100 Main Street, Topsham, Maine.

1. **CALL TO ORDER AND ROLL CALL**

Chairman Spann called the regular Planning Board Meeting to order and asked the recording secretary to conduct the roll call. Roll call was conducted and it was noted that all members were present, except for Mr. Libby and Mr. Van Note, both of whom had been excused.

2. **MINUTES FROM THE SEPTEMBER 20, 2011 MEETING**

Motion was made by Mr. Mathieu, seconded by Mr. Bisson, and it was

VOTED

To approve the minutes of the September 20, 2011 meeting as submitted in the Second Draft.

(The vote was 3 in favor with 2 abstentions [Colleran and Prindall]).

3. **PUBLIC HEARING - PROPOSED AMENDMENTS TO 225-59, FAIRGROUNDS, REGARDING THE REGULATION OF USES DURING ANNUAL FAIR WEEK AND DURING PERIODS NOT ASSOCIATED WITH THE ANNUAL FAIR WEEK**

Mr. Roedner reviewed the proposed amendments to Chapter 225-59, Fairgrounds. He said the amendments attempt to clarify what types of activities can take place at the Topsham Fair outside of the normal fair week and what level of review will be required for those activities. When licenses are required from the Board of selectmen, the new

language lays out the procedure for obtaining those licenses and how the licenses can be renewed in subsequent years. A copy of the proposed amendment was distributed to members of the Board for their review.

The amendment will provide for a 3-tier system dealing with 1) annual fair activities; 2) non-fair activities which take place routinely but usually require a permit from the Codes Enforcement Officer and 3) special events such as carnivals, circuses and concerts. These would have to go before the Board of Selectmen.

There were no comments from members of the Board following Mr. Roedner's presentation and the Public Hearing was declared open. There were no comments from members of the public and the Public Hearing was declared closed.

Motion was made by Mr. Mathieu, seconded by Mr. Colleran and it was unanimously

#### VOTED

To forward the proposed Amendment to Ordinance Chapter 225-59, Fairgrounds, to the Board of Selectmen for inclusion on the upcoming Town Meeting Warrant with a recommendation from the Planning Board of ought to pass.

It was noted that Town Meeting is scheduled for November 16, 2011. The warrant items will be reviewed at a Public Hearing with the Board of Selectmen on November 3, 2011.

#### 4. PUBLIC HEARING - EDWARD AND WAYNE ZAZESKI HAS SUBMITTED A PROPOSED TWO-LOT AMENDMENT TO THE ZAZESKI SUBDIVISION LOCATED OFF OF TURKEY RUN, TAX MAP R06, LOT 10

Due to a possible conflict of interest, Mr. Prindall recused himself from participation during discussion of this agenda item.

Kevin Clark, from Sitelines, represented the applicant and told the Board that the Turkey Run Subdivision was approved as a four-phased project that will ultimately provide access to the Meadow Road. Current access is via Amanda Drive and Westwind Drive. The amendment would transfer two lots out of Phase III and into Phase IIB. Doing so will not exceed the 30-lot maximum allowed for a dead end street. Plans for future connections will be included when Phase III is addressed. Mr. Clark said test pits have been completed and a soils report prepared by Paul Beers, LSE, was submitted as part of the Board package. Both lots will gain access from the existing portion of Turkey Run and no extension of existing infrastructure is required as the road is already in place.

The Planner told the Board that staff had no major issues regarding this amendment and there are no outstanding issues from previous approvals associated with this subdivision.

Following Mr. Clark's presentation there were no comments from members of the Board. The Public Hearing was declared open and comments were received from the following:

**Walter J. Flanagan III, 25 Turkey Run** - Mr. Flanagan expressed concern with erosion control. He said there were a number of piles of sand on the lot as a result of the test pits

and that dust blows across the road onto his property at 25 Turkey Lane.

**Justin Rutledge, Westwind Drive** - Mr. Rutledge expressed concern about erosion control and material that will be hauled in and out of the area to build the homes. He asked where the material was going to be stored and what access road will be used to reach the site. He also expressed concern regarding a stream that runs past his property.

**Wayne Zazeski** responded to the comments saying grass will be planted on the lots which will take care of the dust issue. He said public roads will be used to transport the building materials to the lots. He said the stream Mr. Rutledge made reference to has nothing to do with the requested amendment but is part of a wetland area on property his father owns.

**Michael Yazwinski, 16 Westwind Drive** - Mr. Yazwinski asked a question about a right-of-way between the lots to the rear of the parcel to which Mr. Clark responded.

With no further comments to be heard, the Public Hearing was declared closed.

Motion was made by Mr. Colleran, seconded by Mr. Mathieu and it was unanimously

VOTED

To approve Amendment 5 to the Zazeski Subdivision, Tax Map R06, Lot 10, to approve two additional lots subject to the same conditions as the original site plan approval dated September 26, 2011 with the Overall Site Plan latest revision dated October 13, 2011 and to include an additional condition that Best Management Practices be followed regarding erosion control.

**5. SKETCH SITE PLAN - ERIC HUMES HAS SUBMITTED A PROPOSED BOAT STORAGE AT 1133 LEWISTON ROAD, TAX MAP R03, LOT 22**

Peter Biegel, RLA, from Land Design Solutions represented the applicant, Eric Humes, who was also present at the meeting. Mr. Biegel told the Board Mr. Humes purchased the property at 1133 Lewiston Road in May, 2011. The property, Mr. Humes' primary residence, consists of a 20-acre parcel in the R3 zone and was formerly a horse farm. The property contains a small detached rental unit, detached horse barn and open fields with wooded areas along the perimeter. The property is bordered on the east by Stagecoach Drive and Happy Trails Trailer Park. To the north is a large active gravel pit and to the west Prudence Way, serving a residence/auto dealership and a number of private residences.

Mr. Humes is seeking to do shrink wrapping of boats inside the barn and also to offer storage of the boats out of doors in the fields behind his residence. A site plan was reviewed showing the proposed plan.

During discussion, a memo from the Codes Enforcement Officer was reviewed and question arose of what would the principle business be - storage? shrink wrapping? or both? Also, would the placing of boats outside for the off-season meet with the

ordinance use of the term "storage" as found in Paragraph G? Opinion of the Codes officer was that the principle use would be storage and therefore the boats would have to be stored inside the barn to meet the ordinance requirements.

During discussion, the Board disagreed with staff and Mr. Mathieu asked why the boat storage couldn't be viewed as an accessory use to the primary category of shrink wrapping, and be able to be stored outside. He presented the scenario that the shrink wrapping was more costly than the actual storage and shrink wrapping could be considered the primary use. Board members agreed with Mr. Mathieu's view. Mr. Colleran inquired if a business plan had been developed and the response was that a plan was currently being developed but not yet complete.

Considering traffic, the question was asked of how many trips would be generated with the project. Mr. Humes said he anticipated approximately 100 to 150 boats per season which would generate 100 to 150 trips in the fall, brining in the boats and the same number in the spring when the boats are retrieved. Mr. Prindall inquired if the boats come back inside the barn in the spring to have the shrink wrap removed. Mr. Humes responded that the majority of customers will remove the wrapping themselves to save cost but occasionally, a boat owner may want him to remove the wrapping, which he would do in the barn.

The Board asked for a landscaping plan. Mr. Humes noted that the storage area is surrounded by a large tree growth and is not visible from Route 196 or from neighboring residences. During discussion on buffering, it was agreed that a site walk would be in order and it was agreed to conduct a site walk on November 15, 2011 at 7:00 a.m., the date the sketch plan will come back before the Board for action.

6. **ADJOURN**

With no further business to discuss, motion was made, seconded, and it was unanimously

VOTED

To adjourn the meeting at 8:00 p.m. and to move into a workshop to discuss CPIC Subdivision Amendments and the Sign Ordinance.

Respectfully submitted,



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Patty Williams, Recording Secretary